THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.3537 of 2007

23-02-2007

Between:-

B. Mohammed Vali and two others.

Petitioners

And

The District Collector, Kurnool,
Kurnool district and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 3537 of 2007

Oral order:

On 16-10-2006 a notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') was issued *inter alia* for acquisition of the lands of the petitioners in an extent of Ac.09-34 cents in survey No. 218/A,B,C of Mandigiri village, Adoni mandal, Kurnool district for providing house sites to the weaker sections of the society. On 20-11-2006 the petitioners were communicated notice under Section 5A of the Act soliciting objections to the acquisition process. The petitioners submitted their objections on 20-11-2006 itself and also attended the inquiry under Section 5A of the Act. They objected to the acquisition on the ground that they are small farmers; that the lands proposed for acquisition

are the only properties, on which they are dependent of their livelihood and that the acquisition be not proceeded with as they would be deprived of their sustenance. By the order dated 01-02-2007, the first respondent rejected the objections of the petitioners, *inter alia* on the ground that these are the only available lands for provision of house sites to the weaker sections as no government lands or alternative suitable lands are available in the village.

Contending that the action of the State is arbitrary and that the petitioners' lands which are their only property for sustenance cannot be acquired, the writ petition is filed.

In the facts and circumstances there are no legal grounds to sustain the challenge in the writ petition. Land acquisition is a compulsory purchase of property and the petitioners would be entitled to compensation for the acquired lands at the market value, in addition to the additional market value, solatium and interest on the delayed payment of compensation, if any.

In the circumstances, no grounds exist for invalidating the acquisition. The writ petition is dismissed after hearing the learned Government Pleader for Land Acquisition.

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GODA RAGHURAM, J

Dated:23-02-2007
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